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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,457	09/21/2001	Leif Gustafson	2466-100	2502
23117 7590 09/25/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER LIU, I JUNG	
			ART UNIT 3691	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/957,457

Applicant(s)

GUSTAFSON, LEIF

Examiner

Marissa Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments with respect to claims 11-29 have been considered but are moot in view of the new ground(s) of rejection. Claims 1-10 have been canceled and claims 11-29 are newly submitted.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Malme et al., US Pub. No.: 2002/0019802 A1.

3. As per claim 11, Malme et al. teaches an electricity distribution system, comprising:

a number of producers and a number of consumers, each consumer receiving electrical power from a common electrical network connecting the producers with the consumers (abstract; ¶ 0042; ¶ 0051; ¶ 0136; Figs. 1-2, 4-6 and 17);

a first trading system for trading electricity contracts corresponding to electricity to be distributed on said electricity distribution system (abstract; ¶ 0136; ¶ 0012-0013; ¶ 0015-0017; ¶ 0021);

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a price information dissemination unit, connected to said first trading system, for distributing price information corresponding to prices for the electricity contracts traded in the trading system (§§ 0013; § 0015; § 0045; § 0021; § 0136; Figs. 17-20);

means for connecting each consumer with said price dissemination unit to enable each consumer to receive said price information (§§ 0013; § 0015; § 0021) and means for enabling each consumer to vary the consumer's electricity consumption based on the received price information (§§ 0045; § 0012-0013; § 0015-0017; § 0021; Figs. 17-20).

4. As per claim 12, Malme et al. teaches a system according to claim 11 described above. Malme et al. further teaches the system comprising means for settlement in response to the price information received from the trading system (§§ 0045; § 0017; § 0061; § 0108; § 0181).

5. As per claim 13, Malme et al. teaches a system according to claim 11 described above. Malme et al. further teaches the system wherein the first trading system is a balancing market of the electricity system, and wherein the price information is based on a real time price determined within the balancing market (§§ 0045; § 0017; § 0061; § 0108; § 0181).

6. As per claim 14, Malme et al. teaches a system according to claim 11 described above. Malme et al. further teaches the system wherein the first trading system is an exchange for trading electricity within the electricity system, and wherein the price information is based on a spot market price determined within the exchange (§§ 0087; § 0136; § 0142; § 0147).

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7. As per claim 15, Malme et al. teaches a system according to claim 11 described above. Malme et al. further teaches the system further comprising a second trading system for trading electricity contracts in the electricity system connected to the price information dissemination unit, wherein the price information is further based on prices for the contracts traded in the second trading system (§§ 0022-0023; §0087; § 0042; § 0142; § 0147).

8. As per claim 16, Malme et al. teaches the price information dissemination unit for disseminating electricity price information to a number of consumers of electricity connected to an electricity network, the unit comprising:

means, connected to a first trading system used for trading electricity contracts corresponding to electricity to be distributed on said electricity network, for receiving price information relating to prices at which electricity contracts are traded at the trading system (§§ 0013; § 0015; § 0021; Figs. 17-20),

means for forming a price information message corresponding to the received prices and means for transmitting the message to the consumers (§§ 0013; § 0015; § 0021; Figs. 17-20).

9. As per claim 17, Malme et al. teaches a price information dissemination unit according to claim 16 described above. Malme et al. further teaches wherein the first trading system is a balancing market and the price information corresponds to a real time price determined within the balancing market (§§ 0045; § 0017; § 0061; § 0108; § 0181).

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10. As per claim 18, Malme et al. teaches a price information dissemination unit according to claim 16 described above. Malme et al. further teaches wherein the first trading system is an exchange for trading electricity within the electricity system, and wherein the price information corresponds to a spot market price determined within the exchange (§§ 0087; § 0136; §§ 0142; § 0147).

11. As per claim 19, A price information dissemination unit according to claim 16, further comprising:

means connected to a second trading system used for trading electricity contracts corresponding to electricity to be distributed on said electricity network for receiving prices at which contracts are traded at the second trading system (§§ 0022-0023; § 0087; § 0042; §§ 0142; § 0147).

12. As per claim 20, Malme et al. teaches a method of settlement for use in an electricity distribution system comprising a number of producers and a number of consumers, each consumer receiving electrical power from an electrical network connecting the producers with the consumers, the method comprising the steps of:

receiving from a first trading system for trading electricity contracts corresponding to electricity to be distributed on said electricity distribution system price information relating to the electricity contracts traded (§§ 0022-0023; § 0087; § 0042; §§ 0142; § 0147).

forming a price information message corresponding to the received price information (§ 0084),

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transmitting the price information message to the consumers to enable each consumer to receive price information corresponding to the prices from the trading system (§§ 0022-0023; § 0087; § 0042; § 0142; § 0147), and

performing settlement based on the price information and on a response from the consumer to the price information (§§ 0054; § 0115).

13. As per claim 21, Malme et al. teaches an electricity distribution system, comprising:

a number of producers and a number of consumers, each consumer receiving electrical power from an electrical network connecting the producers with the consumers (abstract; Figs. 1 and 5-17):

a first trading system for trading electricity contracts corresponding to electricity to be distributed on said electricity distribution system (abstract; §§ 0012-0013; § 0015-0017; § 0021; Figs. 1 and 5-17);

a price information dissemination unit, connected to said first trading system, for receiving prices related to traded electricity contracts, generating price information corresponding to the received prices, and distributing the price information (§§ 0013; § 0015; § 0021; Figs. 17-20);

a communication system for connecting each consumer with said price dissemination unit and enabling each consumer to receive said price information (§§ 0013; § 0015; § 0021; Figs. 17-20); and  
control equipment, connected to the communication system, for enabling each

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consumer to vary the consumer's electricity consumption depending on the received price information (§ 0012-0013; § 0015-0017; § 0021; Figs. 17-20).

14. As per claim 22, claim 22 is equivalent of claim 13 rejection. Please refer to claim 13 rejection described above.

15. As per claim 23, claim 23 is equivalent of claim 14 rejection. Please refer to claim 14 rejection described above.

16. As per claim 24, claim 24 is equivalent of claim 15 rejection. Please refer to claim 15 rejection described above.

17. As per claim 25, claim 25 is equivalent of claim 16 rejection. Please refer to claim 16 rejection described above.

18. As per claim 26, claim 26 is equivalent of claim 13 rejection. Please refer to claim 13 rejection described above.

19. As per claim 27, claim 27 is equivalent of claim 23 rejection. Please refer to claim 23 rejection described above.

20. As per claim 28, claim 28 is equivalent of claim 15 rejection. Please refer to claim 15 rejection described above.

21. As per claim 29, Malme et al. teaches the method according to claim 25 described above. Malme et al. further teaches wherein the message is formatted as an XML-message (Extensible Markup Language), a DI message (Electronic Data Interchange), or any other type of an open API (Application Program Interface) (§ 0074; § 0084; § 0110).



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***Conclusion***

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6711. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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HANI M. KAZIMI  
PRIMARY EXAMINER